

5 CONSISTENCY WITH THE GROUNDFISH FMP AND MSA NATIONAL STANDARDS

5.1 FMP Goals and Objectives

The Groundfish FMP goals and objectives are listed below. The way in which the harvest specifications and management measures for 2005 and 2006 addresses each objective is briefly described in italics below the relevant statement.

Management Goals.

Goal 1 - Conservation. Prevent overfishing and rebuild overfished stocks by managing for appropriate harvest levels, and prevent, to the extent practicable, any net loss of the habitat of living marine resources.

Goal 2 - Economics. Maximize the value of the groundfish resource as a whole.

Goal 3 - Utilization. Achieve the maximum biological yield of the overall groundfish fishery, promote year-round availability of quality seafood to the consumer, and promote recreational fishing opportunities.

Objectives. To accomplish these management goals, a number of objectives will be considered and followed as closely as practicable:

Conservation.

Objective 1. Maintain an information flow on the status of the fishery and the fishery resource which allows for informed management decisions as the fishery occurs.

Objective 2. Adopt harvest specifications and management measures consistent with resource stewardship responsibilities for each groundfish species or species group.

Objective 3. For species or species groups that are below the level necessary to produce MSY, consider rebuilding the stock to the MSY level and, if necessary, develop a plan to rebuild the stock.

Objective 4. Where conservation problems have been identified for nongroundfish species, and the best scientific information shows the groundfish fishery has a direct impact on the ability of that species to maintain its long-term reproductive health, the Council may consider establishing management measures to control the impacts of groundfish fishing on those species. Management measures may be imposed on the groundfish fishery to reduce fishing mortality of a nongroundfish species for documented conservation reasons. The action will be designed to minimize disruption of the groundfish fishery, in so far as consistent with the goal to minimize the bycatch of nongroundfish species, and will not preclude achievement of a quota, harvest

guideline, or allocation of groundfish, if any, unless such action is required by other applicable law.

Objective 5. Describe and identify EFH, adverse impacts on EFH, and other actions to conserve and enhance EFH, and adopt management measures that minimize, to the extent practicable, adverse impacts from fishing on EFH.

Economics.

Objective 6. Attempt to achieve the greatest possible net economic benefit to the nation from the managed fisheries.

Objective 7. Identify those sectors of the groundfish fishery for which it is beneficial to promote year-round marketing opportunities and establish management policies that extend those sectors' fishing and marketing opportunities as long as practicable during the fishing year.

Objective 8. Gear restrictions to minimize the necessity for other management measures will be used whenever practicable.

Utilization.

Objective 9. Develop management measures and policies that foster and encourage full utilization (harvesting and processing) of the Pacific Coast groundfish resources by domestic fisheries.

There has been no foreign fishing on the West Coast for more than a decade, so all of the alternatives meet this objective.

Objective 10. Recognizing the multispecies nature of the fishery and establish a concept of managing by species and gear or by groups of interrelated species.

As in past years, management measures in all of the alternatives use species groups related to particular fisheries or gear to structure trip limits.

Objective 11. Strive to reduce the economic incentives and regulatory measures that lead to wastage of fish. Also, develop management measures that minimize bycatch to the extent practicable and, to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. In addition, promote and support monitoring programs to improve estimates of total fishing-related mortality and bycatch, as well as those to improve other information necessary to determine the extent to which it is practicable to reduce bycatch and bycatch mortality.

Objective 12. Provide for foreign participation in the fishery, consistent with the other goals to take that portion of the OY not utilized by domestic fisheries while minimizing conflict with domestic fisheries.

This objective is no longer relevant, since all stocks are fully utilized by domestic fishers.

Social Factors.

Objective 13. When conservation actions are necessary to protect a stock or stock assemblage, attempt to develop management measures that will affect users equitably.

The Council process facilitates input from resource user groups, state and federal agencies, and the general public. This promotes the formulation of equitable management measures.

Objective 14. Minimize gear conflicts among resource users.

Objective 15. When considering alternative management measures to resolve an issue, choose the measure that best accomplishes the change with the least disruption of current domestic fishing practices, marketing procedures, and the environment.

Objective 16. Avoid unnecessary adverse impacts on small entities.

Objective 17. Consider the importance of groundfish resources to fishing communities, provide for the sustained participation of fishing communities, and minimize adverse economic impacts on fishing communities to the extent practicable.

Objective 18. Promote the safety of human life at sea.

5.2 National Standards

An FMP or plan amendment and any pursuant regulations must be consistent with ten national standards contained in the MSA (§301). These are:

National Standard 1 states that conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.

National Standard 2 states that conservation and management measures shall be based on the best scientific information available.

National Standard 3 states that, to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

National Standard 4 states that conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various United States fishers, such allocation shall be (A) fair and equitable to all such fishers; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. The proposed measures will not discriminate between residents of different states.

Management measures are developed through the Council process, which facilitates substantial participation by state representatives. Generally, state proposals are brought forward when alternatives are crafted and integrated to the degree practicable. Decisions about catch allocation between different sectors or gear groups are also part of this participatory process, and emphasis is placed on equitable division while ensuring conservation goals. None of the management measures in the alternatives would allocate specific shares or privileges to one individual or corporation.

National Standard 5 states that conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

Management measures in the groundfish fishery are not designed specifically for the purpose of efficient utilization. However, lower OY levels and other restrictions are likely to result in further fleet capacity reduction as fishing becomes economically unviable for more vessels. There is broad consensus that capacity reduction in some sectors is needed to rationalize fisheries. In response, the Council and NMFS implemented a fixed gear permit-stacking program through Amendment 14 to the FMP. NMFS has also completed a trawl vessel buyback program to reduce the size of the limited entry fleet. Additionally, the Council has begun to explore the potential for individual quotas, in part, as a means of providing regulatory flexibility and economically viable fishing communities.

National Standard 6 states that conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

Management measures reflect differences in catch, and in particular bycatch of overfished species, among different fisheries. Because of the low harvest specifications for overfished species, management measures are proposed for nongroundfish fisheries to minimize bycatch of these species. Each alternative was evaluated in terms of the probable bycatch of overfished species, based on the proposed management measures. (See Chapter 2 and Chapter 4.) This allows comparison between the proposed OY and a judgment of whether management measures will constrain fisheries sufficiently.

National Standard 7 states that conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

The alternatives do not explicitly address this standard. Generally, by coordinating management, monitoring, and enforcement activities between the three West Coast states duplication, and thus cost, is minimized. Necessary monitoring and enforcement programs, such as the use of fishery observers and implementation of VMS, increase management costs. But these efforts are necessary to effective management.

National Standard 8 states that conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to (A) provide for the sustained participation of such communities, and (B) to the extent practicable, minimize adverse economic impacts on such communities.

This document evaluates the effects of the alternatives on fishing communities (see Chapter 4), and these effects were taken into account in choosing the preferred harvest specification and management measure alternatives. The preferred alternatives represent the Council's judgment of the best tradeoff between the need to conserve and rebuild fish stocks and the economic impacts of the necessary management measures. Generally, this tradeoff is resolved by structuring management measures to allow communities to access healthy, harvestable stocks while minimizing catch of overfished stocks.

National Standard 9 states that conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

Minimizing bycatch, of all species and overfished species in particular is an important component of the alternatives. GCAs are meant to keep fishing away from areas where overfished species are most abundant, and therefore reduce bycatch. Trip limits are structured to discourage directed and incidental catch of these species, but where bycatch is unavoidable, to allow some minimal retention.

Integration of observer data into the management process allows more accurate estimates of bycatch rates, and thus total catch estimates. Selective flatfish trawl gear has demonstrated reduce bycatch rates for several overfished rockfish species and is required north of 40 °10' N latitude shoreward of the RCA.

National Standard 10 states that conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

RCAs could affect safety if more vessels elect to fish seaward of the closed areas and are more exposed to bad weather conditions. Use of selective flatfish trawl gear north of 40 °10' N latitude has not only provided increased trip limits for target species, but has also decreased the size of the trawl RCAs thereby providing additional opportunity shoreward of the RCA and decreased incentive for smaller vessels to fish seaward of the RCA. For vessels electing to increase the amount of time fishing seaward of RCAs, implementing a VMS capable of sending distress calls could provide some mitigation. Although units with this capability have been approved for use, vessel owners are not required to purchase a unit with this capability. Also, by providing near real-time vessel position data, VMS could aid in search and rescue operations.

5.3 Other Applicable MSA Provisions

Harvest specifications are set based on targets established in overfished species rebuilding plans, which conform to Section 304(e)–Rebuild Overfished Fisheries. Rebuilding plans contain the elements required by Section 304(e)(4) and discussed in the NSGs (50 CFR 600.310).

Chapter 3 in this EIS constitutes an EFH assessment of the proposed action’s impacts, as required by 50 CFR 600.920 (e)(3). NMFS is currently preparing an EIS evaluating programmatic measures designed to identify and describe West Coast groundfish EFH, and minimize potential fishing impacts on West Coast groundfish EFH. According to the current schedule, NMFS will publish a draft EIS for this action in February 2005. Publication of the final EIS for this action is scheduled for December 2005, with implementation of any measures pursuant to the EIS occurring in 2006.

6 CROSS-CUTTING MANDATES

6.1 Other Federal Laws

6.1.1 Coastal Zone Management Act

Section 307(c)(1) of the federal Coastal Zone Management Act (CZMA) of 1972 requires all federal activities that directly affect the coastal zone be consistent with approved state coastal zone management programs to the maximum extent practicable. The *preliminary preferred Alternatives* would be implemented in a manner that is consistent to the maximum extent practicable with the enforceable policies of the approved coastal zone management programs of Washington, Oregon, and California. This determination has been submitted to the responsible state agencies for review under Section 307(c)(1) of the CZMA. The relationship of the groundfish FMP with the CZMA is discussed in Section 11.7.3 of the Groundfish FMP. The Groundfish FMP has been found to be consistent with the Washington, Oregon, and California coastal zone management programs. The recommended action is consistent and within the scope of the actions contemplated under the framework FMP.

Under the CZMA, each state develops its own coastal zone management program that is then submitted for federal approval. This has resulted in programs that vary widely from one state to the next. Harvest specifications and management measures for 2005-2006 are not expected to affect any state's coastal management program.

6.1.2 Endangered Species Act

NMFS issued BOs under the ESA on August 10, 1990, November 26, 1991, August 28, 1992, September 27, 1993, May 14, 1996, and December 15, 1999 pertaining to the effects of the groundfish fishery on chinook salmon (Puget Sound, Snake River spring/summer, Snake River fall, upper Columbia River spring, lower Columbia River, upper Willamette River, Sacramento River winter, Central Valley spring, California coastal), coho salmon (Central California coastal, southern Oregon/northern California coastal), chum salmon (Hood Canal summer, Columbia River), sockeye salmon (Snake River, Ozette Lake), and steelhead (upper, middle and lower Columbia River, Snake River Basin, upper Willamette River, central California coast, California Central Valley, south-central California, northern California, southern California). During the 2000 Pacific whiting season, the whiting fisheries exceeded the chinook bycatch amount specified in the Pacific whiting fishery BO (December 15, 1999) incidental take statement estimate of 11,000 fish, by approximately 500 fish. In the 2001 whiting season, however, the whiting fishery's chinook bycatch was about 7,000 fish, which approximates the long-term average. After reviewing data from, and management of, the 2000 and 2001 whiting fisheries (including industry bycatch minimization measures), the status of the affected listed chinook, environmental baseline information, and the incidental take statement from the 1999 whiting BO, NMFS determined in a letter dated April 25, 2002 that a re-initiation of the 1999 whiting BO was not required. NMFS has concluded that implementation of the FMP for the Pacific Coast groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. The proposed action is within the scope of these consultations.

6.1.3 Marine Mammal Protection Act

The MMPA of 1972 is the principle federal legislation that guides marine mammal species protection and conservation policy in the United States. Under the MMPA, NMFS is responsible for the management and conservation of 153 stocks of whales, dolphins, porpoise, as well as seals, sea lions, and fur seals; while the U.S. Fish and Wildlife Service is responsible for walrus, sea otters, and the West Indian manatee.

Off the West Coast, the Steller sea lion (*Eumetopias jubatus*) eastern stock, Guadalupe fur seal (*Arctocephalus townsendi*), and Southern sea otter (*Enhydra lutris*) California stock are listed as threatened under the ESA. The sperm whale (*Physeter macrocephalus*) Washington, Oregon, and California stock, humpback whale (*Megaptera novaeangliae*) Washington, Oregon, and California - Mexico Stock, blue whale (*Balaenoptera musculus*) eastern north Pacific stock, and Fin whale (*Balaenoptera physalus*) Washington, Oregon, and California stock are listed as depleted under the MMPA. Any species listed as endangered or threatened under the ESA is automatically considered depleted under the MMPA.

The West Coast groundfish fisheries are considered a Category III fishery, indicating a remote likelihood of or no known serious injuries or mortalities to marine mammals, in the annual list of fisheries published in the *Federal Register*. Based on its Category III status, the incidental take of marine mammals in the West Coast groundfish fisheries does not significantly impact marine mammal stocks. The proposed action will affect the intensity, duration, and location of groundfish fisheries through implemented management measures. But these changes would not change the effects of the groundfish fisheries on marine mammals.

6.1.4 Migratory Bird Treaty Act

The MBTA of 1918 was designed to end the commercial trade of migratory birds and their feathers that, by the early years of the 20th century, had diminished the populations of many native bird species. The MBTA states that it is unlawful to take, kill, or possess migratory birds and their parts (including eggs, nests, and feathers) and is a shared agreement between the United States, Canada, Japan, Mexico, and Russia to protect a common migratory bird resource. The MBTA prohibits the directed take of seabirds, but the incidental take of seabirds does occur. The proposed action is unlikely to affect the incidental take of seabirds protected by the MBTA.

6.1.5 Paperwork Reduction Act

Alternatives D.2, Expanded Logbook Program, and D.3, Expanded Vessel Monitoring System program, would require collection of information subject to the Paperwork Reduction Act. Clearance of related requirements would be initiated prior to publication of a proposed rule if the either of the alternatives is selected as an FMP amendment.

6.1.6 Regulatory Flexibility Act

The purpose of the RFA is to relieve small businesses, small organizations, and small governmental entities of burdensome regulations and record-keeping requirements. Major goals of the RFA are; (1) to increase agency awareness and understanding of the impact of their regulations on small business, (2) to require agencies communicate and explain their findings to the public, and (3) to encourage agencies to use flexibility and to provide regulatory relief to small entities. The RFA emphasizes predicting impacts on small entities as a group distinct from other entities and the consideration of

alternatives that may minimize the impacts while still achieving the stated objective of the action. An IRFA is conducted unless it is determined that an action will not have a “significant economic impact on a substantial number of small entities.” The RFA requires that an IRFA include elements that are similar to those required by EO 12866 and NEPA. The information and analyses in Chapter 4 of this EIS would be relevant to RFA analyses on future regulations developed from this process. If proposed regulations are promulgated, an IRFA would be prepared as part of a proposed regulatory package.

6.1.7 EO 12866 (*Regulatory Impact Review*)

EO 12866, Regulatory Planning and Review was signed on September 30, 1993, and established guidelines for promulgating new regulations and reviewing existing regulations. The EO covers a variety of regulatory policy considerations and establishes procedural requirements for analysis of the benefits and costs of regulatory actions. Section 1 of the EO deals with the regulatory philosophy and principles that are to guide agency development of regulations. It stresses that in deciding whether and how to regulate, agencies should assess all of the costs and benefits across all regulatory alternatives. Based on this analysis, NMFS should choose those approaches that maximize net benefits to society, unless a statute requires another regulatory approach. The information and analyses in Chapter 4 of this EIS would be relevant to a Regulatory Impact Review (RIR) analyses on future regulations developed from this process. If proposed regulations are promulgated, an RIR would be prepared as part of a proposed regulatory package.

6.1.8 EO 12898 (*Environmental Justice*)

EO 12898 obligates federal agencies to identify and address “disproportionately high adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations in the United States” as part of any overall environmental impact analysis associated with an action. NOAA guidance, NAO 216-6, at §7.02, states “consideration of EO 12898 should be specifically included in the NEPA documentation for decision-making purposes.” Agencies should also encourage public participation—especially by affected communities—during scoping, as part of a broader strategy to address environmental justice issues.

The environmental justice analysis must first identify minority and low-income groups that live in the project area and may be affected by the action. Typically, census data are used to document the occurrence and distribution of these groups. Agencies should be cognizant of distinct cultural, social, economic, or occupational factors that could amplify the adverse effects of the proposed action. (For example, if a particular kind of fish is an important dietary component, fishery management actions affecting the availability, or price of that fish, could have a disproportionate effect.) In the case of Indian tribes, pertinent treaty or other special rights should be considered. Once communities have been identified and characterized, and potential adverse impacts of the alternatives are identified, the analysis must determine whether these impacts are disproportionate. Because of the context in which environmental justice is developed, health effects are usually considered, and three factors may be used in an evaluation: whether the effects are deemed significant, as the term is employed by NEPA; whether the rate or risk of exposure to the effect appreciably exceeds the rate for the general population or some other comparison group; and whether the group in question may be affected by cumulative or multiple sources of exposure. If disproportionately high adverse effects are identified, mitigation measures should be proposed. Community input into appropriate mitigation is encouraged. Community level impacts are considered in section 4.7.3. It should be noted that fishery participants make up a small proportion of the total population in these communities, and their demographic characteristics may be different from the community as a whole. However, information specific to fishery participants is not available. Furthermore, different segments of the fishery-

involved population may differ demographically. For example, workers in fish processing plants may be more often from a minority population while deckhands may be more frequently low income in comparison to vessel owners.

Participation in decisions about the proposed action by communities that could experience disproportionately high and adverse impacts is another important principle of the EO. The Council offers a range of opportunities for participation by those affected by its actions and disseminates information to affected communities about its proposals and their effects through several channels. In addition to Council membership, which includes representatives from the fishing industries affected by Council action, the GAP, a Council advisory body, draws membership from fishing communities affected by the proposed action. While no special provisions are made for membership to include representatives from low income and minority populations, concerns about disproportionate effects to minority and low-income populations could be voiced through this body or to the Council directly. Although Council meetings are not held in isolated coastal communities for logistical reasons, they are held in different places up and down the West Coast to increase accessibility. In addition, fishery management agencies in Oregon and California sponsored public hearings in coastal communities to gain input on the proposed action. The comments were made available to the Council in advance of their decision to choose a preferred alternative.

The Council disseminates information about issues and actions through several media. Although not specifically targeted at low income and minority populations, these materials are intended for consumption by affected populations. Materials include a newsletter, describing business conducted at Council meetings, notices for meetings of all Council bodies, and fact sheets intended for the general reader. The Council maintains a postal and electronic mailing list to disseminate this information. The Council also maintains a website (<http://www.pcouncil.org>) providing information about the Council, its meetings, and decisions taken. Most of the documents produced by the Council, including NEPA documents, can be downloaded from the website.

6.1.9 EO 13132 (*Federalism*)

EO 13132, which revoked EO 12612, an earlier federalism EO, enumerates eight “fundamental federalism principles.” The first of these principles states “Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people.” In this spirit, the EO directs agencies to consider the implications of policies that may limit the scope of or preempt states’ legal authority. Preemptive action having such “federalism implications” is subject to a consultation process with the states; such actions should not create unfunded mandates for the states; and any final rule published must be accompanied by a “federalism summary impact statement.”

The Council process offers many opportunities for states (through their agencies, Council appointees, consultations, and meetings) to participate in the formulation of management measures. This process encourages states to institute complementary measures to manage fisheries under their jurisdiction that may affect federally managed stocks.

The proposed action does not have federalism implications subject to EO 13132.

6.1.10 EO 13175 (*Consultation and Coordination With Indian Tribal Government*)

EO 13175 is intended to ensure regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United

States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared federal and tribal fishery resources. At Section 302(b)(5), the Magnuson-Stevens Act reserves a seat on the Council for a representative of an Indian tribe with federally-recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. government formally recognizes the four Washington coastal tribes (Makah, Quileute, Hoh, and Quinault) have treaty rights to fish for groundfish. In general terms, the quantification of those rights is 50% of the harvestable surplus of groundfish available in the tribes' U and A fishing areas (described at 50 CFR 660.324). Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives.

Accordingly, harvest specifications and management measures for 2005-2006 have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

6.1.11 EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds)

EO 13186 supplements the MBTA (above) by requiring federal agencies to work with the USFWS to develop memoranda of agreement to conserve migratory birds. NMFS is in the process of implementing a memorandum of understanding. The protocols developed by this consultation will guide agency regulatory actions and policy decisions in order to address this conservation goal. The EO also directs agencies to evaluate the effects of their actions on migratory birds in environmental documents prepared pursuant to the NEPA.

Chapter 4 in this EIS evaluates impacts to seabirds and concludes that the effects of the proposed action on seabirds is unknown.

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7.1 Roles of Key Organizations and Committees

This section provides an overview of the roles played by key organizations and committees who have participated in the development of the draft EIS.

Pacific States Marine Fisheries Commission

The Pacific States Marine Fisheries Commission (PSMFC), through a grant from NOAA, is responsible for production of the risk assessment and EIS. In cooperation with NMFS and the Council, they assembled a team of contractors and partners to implement the decisionmaking framework and phased approach described in the preceding sections.

MRAG Americas

MRAG Americas, under contract to PSMFC, is responsible for analytical components of the risk assessment and EIS specific to EFH and with a primary emphasis on statistical modeling and assessment.

TerraLogic GIS

TerraLogic GIS, under contract to PSMFC, is responsible for analytical components of the risk assessment and EIS specific to EFH with a primary emphasis on GIS data consolidation and analysis.

University of New Hampshire

The University of New Hampshire is a partner of MRAG Americas and has provided senior level consultation and analysis of habitat impacts and recovery.

Ecotrust

Ecotrust, under contract to PSMFC, initially had lead in developing a spatial profile of fishing activity off the west coast.

Oregon Sea Grant

Oregon Sea Grant participated in a project with PSMFC, Pacific Cable Commission, and NMFS to profile a subset of spatial patterns of fishing activity off the west coast based on the experience of fishermen.

Oregon Fishermen's Cable Committee

The Oregon Fishermen's Cable Committee participated in a project with PSMFC, Pacific Cable Commission, and NMFS to profile a subset of spatial patterns of fishing activity off the west coast based on the experience of fishermen.

University of Oregon

The University of Oregon, under contract to PSMFC, provided benthic substrate data for the areas off Oregon and Washington.

Moss Landing Marine Laboratory

The Moss Landing Marine Laboratory, under contract to PSMFC, provided benthic substrate data for the areas off California.

NOAA

- NMFS, Northwest Region is the government organization responsible for NEPA compliance for this action and regulation of the groundfish fishery and has provided project management for the risk assessment and EIS.
- NMFS, Southwest Region is a partner in developing the EIS and has EFH consultation responsibilities on non-fishing activities.

- NMFS' Northwest and Southwest Fisheries Science Centers have provided consultation and analytical services in the development of the risk assessment and EIS.
- The NOS Biogeography Program has provided consultation in the development of the risk assessment.
- The NOAA MPA Center has provided spatial data on status quo habitat protection measures.

Council

The Council is the Regional Fishery Management Council that has stewardship responsibilities for the project area and provided guidance and key decisions throughout the project.

- The full Council is structured to incorporate state, tribal, and federal agencies in addition to representatives from commercial and recreational fishing groups. The Council follows a highly public process that fosters input prior to guidance and final decisions.
- The TRC is a Council committee that was created to guide implementation of the data consolidation and assessment phases of the decisionmaking framework. The committee will also provide for validation of model results and technical review of the range of alternatives in the EIS. The membership of the TRC was chosen to reflect the broad range of expertise necessary to follow the decisionmaking framework and includes geologists, fish ecologists, environmentalists, fishermen, and experts in statistical modeling.
- The SSC is a Council committee that serves as the body responsible for determining the scientific adequacy of any analysis on which Council decisions are based. The SSC held public meetings to review the risk assessment and provided comments and caveats for its application to the Council. The membership of the SSC is chosen to reflect an independent, well-qualified academic committee.
- The EIS Oversight Committee is a Council Committee that was created to respond to the risk assessment and develop alternatives for the EIS. Membership of the committee is structured to incorporate senior representatives of the three coastal states, industry representatives, and environmental representatives including a representative of the plaintiff's in *AOC v. Daley*.
- The GMT, GAP, and HC are Council committees that were created to participate in the development and review of fishery management actions. The committees, in public meetings, have reviewed and commented on the risk assessment and EIS as it has developed. Membership on the committees is diverse and ranges from federal representatives, recreational and commercial fishing representatives, and academics.

8 AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THIS STATEMENT WERE SENT

The Council makes both the DEIS and FEIS available on its website, so anyone with computer access may download an electronic copy. Electronic copies on CD-ROM and paper copies are made available upon request. The Council distributes a notice of availability for the DEIS and FEIS through its electronic mailing list, which include state and federal agencies, tribes, and individuals. Copies of the FEIS are sent to anyone who comments on the DEIS. In addition, NMFS distributes copies of the DEIS to the following agencies:

Department of Interior

Department of State

U.S. Coast Guard, Commander Pacific Area

Marine Mammal Commission

Pacific States Marine Fisheries Commission

Washington Coastal Zone Management Program, Shoreline Environmental Assistance, Department of Ecology, Washington State

Ocean-Coastal Management Program, Department of Land Conservation and Development, State of Oregon

California Coastal Commission

9 ACRONYMS AND GLOSSARY

ABC	acceptable biological catch. The ABC is a scientific calculation of the sustainable harvest level of a fishery, and is used to set the upper limit of the annual total allowable catch. It is calculated by applying the estimated (or proxy) harvest rate that produces maximum sustainable yield to the estimated exploitable stock biomass (the portion of the fish population that can be harvested).
AKFSC	Alaska Fisheries Science Center
B_{MSY}	The biomass that allows maximum sustainable yield to be taken.
BO	Biological Opinion
B₀	Unfished biomass; the estimated size of a fish stock in the absence of fishing.
BOD	Biochemical oxygen demand
BRD	Bycatch Reduction Device
CalCOFI	California Cooperative Oceanic Fisheries Investigations
CC	California Current
CCA	Cowcod Conservation Area
CDFG	California Department of Fish and Game
CDP	Census designated places
CEQ	Council on Environmental Quality
CFGC	California Fish and Game Commission
CFR	Code of Federal Regulations. A codification of the regulations published in the <i>Federal Register</i> by the executive departments and agencies of the federal government. The CFR is divided into 50 titles that represent broad areas subject to federal regulation Title

	50 contains wildlife and fisheries regulations.
CINMS	Channel Islands National Marine Sanctuary
Council	Pacific Fishery Management Council
CPFV	commercial passenger fishing vessel
CPS	coastal pelagic species. Coastal pelagic species are schooling fish, not associated with the ocean bottom, that migrate in coastal waters. They usually eat plankton and are the main food source for higher level predators such as tuna, salmon, most groundfish, and humans. Examples are herring, squid, anchovy, sardine, and mackerel.
CPUE	Catch per unit effort
CRFS	California Recreational Fisheries Survey
CV	coefficients of variation
CZMA	Coastal Zone Management Act
DBCA	Darkblotched Rockfish Conservation Area
DDT	Dichlorodiphenyltrichloroethane
DEIS	Draft Environmental Impact Statement
DNR	Department of Natural Resources
DPEIS	Draft Programmatic Environmental Impact Statement
DTS	Dover sole, thornyhead(s), and trawl-caught sablefish complex
E+	Environmentally Positive
EA	environmental assessment. As part of the National Environmental Policy Act (NEPA) process, an EA is a concise public document that provides evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact.
ED	Environmental Defense

EEZ	Exclusive Economic Zone. A zone under national jurisdiction (up to 200 nautical miles wide) declared in line with the provisions of the 1982 United Nations Convention of the Law of the Sea, within which the coastal state has the right to explore and exploit, and the responsibility to conserve and manage, the living and non-living resources.
EFH	essential fish habitat. Those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.
EFP	exempted fishing permit
EIS	environmental impact statement. As part of the National Environmental Policy Act (NEPA) process, an EIS is an analysis of the expected impacts resulting from the implementation of a fisheries management or development plan (or some other proposed action) on the environment. EISs are required for all fishery management plans as well as significant amendments to existing plans.
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act. An act of federal law that provides for the conservation of endangered and threatened species of fish, wildlife, and plants. When preparing fishery management plans, councils are required to consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to determine whether the fishing under a fishery management plan is likely to jeopardize the continued existence of an ESA-listed species, or to result in harm to its critical habitat.
ESI	Environmental Sensitivity Index
F	The instantaneous rate of fishing mortality. The term “fishing mortality rate” is a technical fishery science term that is often misunderstood. It refers to the rate at which animals are removed from the stock by fishing. The fishing mortality rate can be confusing because it is an “instantaneous” rate that is useful in mathematical calculations, but is not easily translated into the more easily understood concept of “percent annual removal.”
FEAM	Fisheries Economic Assessment Model

FEIS	final environmental impact statement
fm	fathom
FMP	Fishery management plan. A plan, and its amendments, that contains measures for conserving and managing specific fisheries and fish stocks.
FMP	Fishery Management Plan
FONSI	Finding of No Significant Impact. As part of the National Environmental Policy Act (NEPA) process, a finding of no significant impact (FONSI) is a document that explains why an action that is not otherwise excluded from the NEPA process, and for which an environmental impact statement (EIS) will not be prepared, will not have a significant effect on the human environment.
FPEIS	final programmatic environmental impact statement
FRFA	Final Regulatory Flexibility Analysis. the FRFA includes all the information from the initial regulatory flexibility analysis. Additionally, it provides a summary of significant issues raised by the public, a statement of any changes made in the proposed rule as a result of such comments, and a description of steps taken to minimize the significant adverse economic impact on small entities consistent with stated objectives.
FWS	U.S. Fish and Wildlife Service
GAM	General Additive Model
GAP	Groundfish Advisory Subpanel. The Council established the GAP to obtain the input of the people most affected by, or interested in, the management of the groundfish fishery. This advisory body is made up of representatives with recreational, trawl, fixed gear, open access, tribal, environmental, and processor interests. Their advice is solicited when preparing fishery management plans, reviewing plans before sending them to the Secretary, reviewing the effectiveness of plans once they are in operation, and developing annual and inseason management.
GCA	Groundfish Conservation Area
GIPC	Ad Hoc Groundfish Information Policy Committee

GIS	Geographic information system
GMT	Groundfish Management Team. Groundfish management plans and annual and inseason management recommendations are prepared by the Council's GMT, which consists of scientists and managers with specific technical knowledge of the groundfish fishery.
GPS	Global Positioning System
HAPC	Habitat areas of particular concern
HC	Habitat Committee
HMS	highly migratory species
HSP	Habitat suitability probability
IAC	Interagency Committee
IPHC	International Pacific Halibut Commission. A commission responsible for studying Pacific halibut stocks and the halibut fishery. The IPHC makes proposals to the U.S. and Canada concerning the regulation of the halibut fishery.
IRFA	Initial Regulatory Flexibility Analysis. Anytime an agency publishes a notice of proposed rule making and the rule may have a significant impact on a substantial number of small entities, an IRFA is required. It describes the impact of the proposed rule on small entities and includes a description of the action, why it is necessary, the objectives and legal basis for the action, the small entities that will be impacted by the action, and the projected reporting, record-keeping, and other compliance requirements of the proposed rule. Rules that duplicate, overlap, or conflict with the proposed rule are also identified.
ITQ	individual transferable quota
IUCN	International Union for the Conservation of Nature and Natural Resources
kg	kilogram
m	meter
Magnuson-	Magnuson-Stevens Fishery Conservation and

Stevens Act Management Act. The MSA, sometimes known as the “Magnuson-Stevens Act,” established the 200-mile fishery conservation zone, the regional fishery management council system, and other provisions of U.S. marine fishery law.

MBTA Migratory Bird Treaty Act

mean generation time A measure of the time required for a female to produce a reproductively-active female offspring.

MFMT maximum fishing mortality threshold. A limit identified in the National Standard Guidelines. A fishing mortality rate above this threshold constitutes overfishing.

MHHW mean high high water

mixed stock exception In “mixed-stock complexes,” many species of fish swim together and are caught together. This becomes a problem when some of these stocks are healthy and some are overfished, because even a sustainable harvest of the healthy stocks can harm the depleted stock. In order to avoid having to shut down all fisheries to protect one particular overfished stock, the national standard guidelines allow a “mixed-stock” exception to the “overfished” definition. This would allow higher catches of some overfished species than ordinarily allowed in order to avoid severe hardship to fishing communities.

MMPA Marine Mammal Protection Act. The MMPA prohibits the harvest or harassment of marine mammals, although permits for incidental take of marine mammals while commercial fishing may be issued subject to regulation. (See “incidental take” for a definition of “take”.)

MMS Minerals Management Service

MPA Marine protected area

MRFSS Marine Recreational Fisheries Statistical Survey

MRPZ Marine Resources Protection Zone

MSA	Magnuson-Stevens Fishery Conservation and Management Act (see Magnuson-Stevens Act, above).
MSI	Marine Science Institute
MSST	minimum stock size threshold. A threshold biomass used to determine if a stock is overfished. The Council proxy for MSST is $B_{25\%}$.
MSY	maximum sustainable yield. An estimate of the largest average annual catch or yield that can be continuously taken over a long period from a stock under prevailing ecological and environmental conditions. Since MSY is a long-term average, it need not be specified annually, but may be reassessed periodically based on the best scientific information available.
mt	metric ton. 1,000 kilos or 2,204.62 pounds.
NAO	NOAA Administrative Order
NEPA	National Environmental Protection Act
NETS	NorEastern Trawl Systems
NMFS	National Marine Fisheries Service. A division of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA). NMFS is responsible for conservation and management of offshore fisheries (and inland salmon). The NMFS Regional Director is a voting member of the Council.
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOS	National Ocean Service
NPDES	National Pollutant Discharge Elimination System
NPFMC	North Pacific Fisheries Management Council
NPOA	National Plan of Action
NRC	National Research Council
NRDC	Natural Resources Defense Council
NSG	National Standard Guidelines

NWI	National Wetlands Inventory
NWR	Northwest Region
OAL	Office of Administrative Law
OAR	Oregon Administrative Rules
ODFW	Oregon Department of Fish and Wildlife
OFWC	Oregon Fish and Wildlife Commission
ORBS	Ocean Recreational Boat Survey (Oregon Department of Fish and Wildlife)
OSP	Ocean Sampling Program (Washington)
OSU	Oregon State University
overfished	Any stock or stock complex whose size is sufficiently small that a change in management practices is required to achieve an appropriate level and rate of rebuilding. The term generally describes any stock or stock complex determined to be below its overfished/rebuilding threshold. The default proxy is generally 25% of its estimated unfished biomass; however, other scientifically valid values are also authorized.
overfishing	Fishing at a rate or level that jeopardizes the capacity of a stock or stock complex to produce MSY on a continuing basis. More specifically, overfishing is defined as exceeding a maximum allowable fishing mortality rate. For any groundfish stock or stock complex, the maximum allowable mortality rate will be set at a level not to exceed the corresponding MSY rate (B_{MSY}) or its proxy.
OY	optimum yield. The amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and taking into account the protection of marine ecosystems. The OY is developed on the basis of the MSY from the fishery, taking into account relevant economic, social, and ecological factors. In the case of overfished fisheries, the OY provides for rebuilding to a level that is consistent with producing the MSY for the fishery.
OY	Optimum yield

PacFIN	Pacific Coast Fisheries Information Network
PDO	Pacific Decadal Oscillation
PE	Polyethylene
PEIS	programmatic environmental impact statement
PFMC	Pacific Fisheries Management Council
P_{MAX}	The estimated probability of reaching T _{MAX} . May not be less than 50%.
POP	Pacific ocean perch
PSMFC	Pacific States Marine Fisheries Commission
QSM	quota species monitoring
RCA	Rockfish Conservation Area
RCW	Revised Code of Washington
Rebuilding	Implementing management measures that increase a fish stock to its target size.
RecFIN	Recreational Fishery Information Network
RFA	Regulatory Flexibility Act (see IRFA and FRFA above). The Regulatory Flexibility Act (5 U.S.C. 601-612) requires federal agencies to consider the effects of their regulatory actions on small businesses and other small entities and to minimize any undue disproportionate burden.
RIR	Regulatory Impact Review. RIRs are prepared to determine whether a proposed regulatory action is “major.” The RIR examines alternative management measures and their economic impacts.
RLMA	Rockfish/Lingcod Management Area
RMP	Resource Management Plan
ROD	Record of Decision
ROV	Remotely operated vehicle
SAFE	Stock Assessment and Fishery Evaluation. A SAFE document is a document prepared by the Council that

provides a summary of the most recent biological condition of species in the fishery management unit, and the social and economic condition of the recreational and commercial fishing industries, including the fish processing sector. It summarizes, on a periodic basis, the best available information concerning the past, present, and possible future condition of the stocks and fisheries managed in the FMP.

SCUBA	Self-contained Underwater Breathing Apparatus
Secretary	U.S. Secretary of Commerce
SEIS	supplemental environmental impact statement
SFA	Sustainable Fisheries Act (see Magnuson-Stevens Act, above).
SFFT	selective flatfish trawl
SSC	Scientific and Statistical Committee. An advisory committee of the Council made up of scientists and economists. The Magnuson-Stevens Act requires that each council maintain an SSC to assist in gathering and analyzing statistical, biological, ecological, economic, social, and other scientific information that is relevant to the management of Council fisheries.
STAR	Stock Assessment Review Panel. A panel set up to review stock assessments for particular fisheries. In the past there have been STAR panels for sablefish, rockfish, squid, and other species.
STAT	Stock Assessment Team. Stock assessment authors from the National Marine Fisheries Service fisheries science centers.
SWOP	Shoreside Whiting Observation Program
TAC	total allowable catch
T_{MAX}	The maximum time period to rebuild an overfished stock, according to National Standard Guidelines. Depends on biological, environmental, and legal/policy factors.
T_{MIN}	The minimum time period to rebuild an overfished stock, according to National Standard Guidelines. Technically, this is the minimum amount of time in which a fish stock will have a 50% chance of rebuilding

if no fishing occurs (depends on biological and environmental factors).

TNC The Nature Conservancy

TRC Technical Review Committee

T_{TARGET} The target year, set by policy, for a fish stock to be completely rebuilt.

U and A usual and accustomed

UCSB University of California at Santa Barbara

USEPA United States Environmental Protection Agency

USFWS U.S. Fish and Wildlife Service

VMS Vessel monitoring systems

VMSC Ad Hoc Vessel Monitoring System Committee

WAC Washington Administrative Code

WCGOP West Coast Groundfish Observer Program

WDFW Washington Department of Fish and Wildlife

WDNR Washington Department of Natural Resources

WFWC Washington Fish and Wildlife Commission

WOC Washington/Oregon/California

WWTIT Western Washington Treaty Indian Tribes

YOY Young-of-the-year

YRCA Yelloweye Rockfish Conservation Area

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